

Remarks

Applicants respectfully request reconsideration and allowance of the present application in view of the remarks below.

Independent claims 1, 30, 35, 39, and 42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over www.Powerball.com (Powerball) in view of U.S. Patent 6,497,408 (Walker '408). Applicants respectfully traverse the rejection of independent claims 1, 30, 35, 39, and 42 under 35 U.S.C. §103(a) for at least the reason that the cited combination does not disclose or teach each limitation recited in the claims.

Specifically, each independent claim requires a value payout for winning a plurality of sets on a single play. In addition, each independent claim requires that the value payout is different than the sum of a plurality of individual value payouts for winning each set individually. As such, when two or more sets win, the value payout will be different than simply the sum of each value payout for each set. For example, if one winning set has a value payout of \$4, and another winning set has a value payout of \$50, the resulting value payout as recited in the claims would be **different** than simply the sum of each value payout (i.e., different than \$54).

In contrast to the present invention, Powerball is silent regarding the inclusion of multiple player sets. Instead, Powerball teaches a value payout that is based on each individual set. Therefore, Powerball fails to disclose or teach a value payout for winning a plurality of sets on a single play as recited in each independent claim. Absent any such disclosure, Powerball also cannot disclose or teach a value payout that is different than the sum of a plurality of individual value payouts for winning each set individually as also recited in each independent claim.

Walker '408 teaches a system and method for conducting and playing a supplemental lottery game that allows the player to win an award if the player fails to win in the lottery game or if the player fails to reach a certain threshold of winning in the lottery game. As Applicants understand Walker '408, it provides a backup method for receiving a value payout that arises when all of the sets played are losers or below a threshold of winning. In that situation, the player may receive another value payout from the completely separate meta-game, and the value payout is less than the value payout for a winning set. Although Walker '408 discloses multiple sets of plays that define a group, Walker '408 fails to disclose or teach a value payout for winning a plurality of sets on a single play as recited in each independent claim. In addition, Walker '408 fails to disclose or teach a value payout that is different than the sum of a plurality of individual value payouts for winning each set individually as further recited in each independent claim. For each of these reasons, Applicants respectfully assert that Walker '408 fails to correct the deficiencies of Powerball.

To illustrate the deficiencies that remain with the combination of Powerball with Walker '408, consider the example provided in the present Office Action in which the winning symbols consist of a single number with the occurrence of a powerball. In this hypothetical, the combination of Powerball and Walker '408 still does not disclose or teach a value payout for winning both sets on a single play as recited in each independent claim. Moreover, the payout table in Powerball indicates that the value payout for this hypothetical would simply be the sum of the individual value payout for each winning symbol (i.e., \$4 + \$4). Therefore, the combination of Powerball and Walker '408 still does not disclose or teach a value payout that is different than the sum

of a plurality of individual value payouts for winning each set individually as further recited in each independent claim. As a result, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejections of independent claims 1, 30, 35, 39, and 42 as being unpatentable over www.Powerball.com (Powerball) in view of US Patent No. 6,497,408 (Walker '408).

For at least the reasons discussed above, Applicants respectfully submit that the present application is in complete condition for allowance, and favorable action, therefore, is respectfully requested. Should any issues remain after consideration of this amendment, then Examiner Sarkhili is invited and encouraged to telephone the undersigned at her convenience. If any fee not accounted for above is required for entry of this Amendment or papers filed herewith, authorization is hereby granted to charge such fee to Deposit Account No. 04-1403. If any petition is required for entry, such petition is hereby made and any associated fees may also be charged to our deposit account.

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Respectfully submitted,



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